

APPROVED:

ATTEST:

Margaret B. Gearin

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 25-88

May 23, 1988

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, May 23, 1988, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Stephen N. Abrams

Councilman James F. Coyle

Councilwoman Viola D. Hovsepian

Councilman David Robbins

The Mayor in the Chair.

In attendance: City Attorney Paul T. Glasgow, City Clerk Margaret R. Gearin, and Acting City Manager Rick W. Kuckkahn.

Re: City Manager's Report

Acting City Manager Rick Kuckkahn reported the following:

1. On June 1st, 2nd, and 3rd, Tri-Star Pictures will be filming in Rockville. Cybil Shepard, Ryan O'Neal, and company, will be filming in the Red Brick Courthouse on Courthouse Square. Although this is not a public event, the number of trucks and the level of activity is going to increase significantly during that time, and we wanted you to be aware of what was happening. We are currently in the process of preparing for their arrival, to assure that their stay is both safe and profitable.

2. The Community Development Department is in the process of sending our their Landlord/Tenant information packet. This packet is being sent to all single family rental units as well as to the management companies in major projects. We know that this information will be very useful to tenants within

the community and if there are any questions, they should contact the Community Development Department at 424-8000, Ext. 240.

3. The Montrose Civic Association presented the Montrose Neighborhood Traffic Control Committee's final report to its membership on May 12. The Civic Association will review the recommendations of the report and other traffic issues during its June 8 meeting.

4. There will be a budget work session on May 25, 1988 and the budget will be adopted on June 13, 1988.

Re: Recognitions

The Mayor and Council recognized Mr. Stanley Seemann and Mr. Michael A. Halpert for their voluntary services during the 1988 tax season. Mr. Seemann and Mr. Halpert donated their time and expertise in preparing tax returns to the moderate and low income citizens of Rockville. The City set up a program in coordination with Mr. Seemann and Mr. Halpert in which they would be in City Hall on Tuesday nights for those citizens who needed assistance in filing their tax returns.

Mr. Seemann accepted the certificate of recognition for himself and also for Mr. Halpert who was unable to attend the meeting. Mr. Seemann noted that 175 people were helped through the program this year and credit is due to the volunteers who worked in the program and to the Maryland Association of Certified Public Accountants which also helped. Mr. Seemann, in turn, left certificates for volunteers Betty Farrell and Wilma Graham and gave a big thank you to staff member Florence Hollin.

The Mayor and Council also recognized Mr. Ira Walters for his continued volunteer contributions to the senior citizens of Rockville. Mr. Walters was a founder of the Rockville Senior Center and does volunteer work at the Senior Center. Mr. Walters was also recognized by The Gazette Newspapers as winner

of their 1988 Citizen of the Year Award.

Mayor Duncan quoted Judy Beck, the executive director of the Rockville Senior Center, who commented about Mr. Walters saying "He is wonderful, if there was ever a contest at the senior center on who the seniors would most like to be stranded with when they needed something done, Ira Walters would get all the votes. Even if he is working, he will stop what he is doing and help individuals. He never refuses to help others." Mayor Duncan thanked Mr. Walters for his contributions.

Re: Approval of Minutes

On motion of Councilwoman Hovsepien, duly seconded and unanimously passed, the minutes of Meeting No. 24-88, May 16, 1988, were adopted as corrected.

Re: Correspondence

Mayor Duncan announced that the Court of Special Appeals announced its decision in the Hadid Land Development Corporation, et al. vs. The Mayor and Council of Rockville, affirming the judgment of the Circuit Court which judgment, among other things, sustained the City's termination of the Disposition and Development Agreement and also sustained the City's re-entry and repossession of the hotel parcel without reimbursement to Hadid for the purchase price previously paid for the land. Mayor Duncan also gave a special thank you to the City Attorney for his efforts in this case.

Councilman Coyle referred to the Montgomery County Bill on Preservation and asked the staff to give an example of the amount of easements that would be granted. Mayor Duncan commented that the bill was developed by the County to help the Women's Farm Market in Bethesda and was related to their tax assessment. In Rockville, for example, a similar situation would be the Wire Hardware Store which is surrounded by high rise buildings. An easement would

help keep the store as an historic building. Councilman Abrams questioned whether the easement would bring tax relief or was it related to zoning. The City Attorney added that in such a situation, the City would have to order tax relief for Historic Preservation.

Re: Citizens Forum

The Mayor opened this portion of the meeting to those citizens wishing to address the Mayor and Council:

1. Ralph DeLisa, President, Rockville Chamber of Commerce, and Rick Levine, Chairman of Publications, presented copies of the 1988 Rockville Guide which is available to anyone wishing a copy by contacting the Rockville Chamber of Commerce, P.O. Box 4173 Rockville, Maryland, 20852, (301) 424-9300.
2. Stephen J. Orens, Attorney, was concerned about the proposed no smoking legislation. Mayor Duncan explained that there would be a public hearing on July 18th, and that he welcomed his comments at that time.
3. Richard Arkin, 525 Lynch Street, member of the Maryland Main Street Association, informed the Council that the Maryland General Assembly passed House Bill 483, which contained state action programs which designates funding for urban renewal which might be beneficial for Rockville. Mr. Arkin also announced a meeting sponsored by the Maryland Citizen Planners Association at the Lord Baltimore Hotel, Baltimore, Maryland, on June 10-11, 1988. The subject will be: Planning on a Small Scale; Working in Neighborhoods and Small Communities.

Re: Presentation by Participants in
Student Government Days

City Manager Kuckkahn introduced Cheryl Lampkin, coordinator of Student Government Days 1988 and thanked her for her able assistance on making the program a success. In addition he thanked Officer Lee Potter and Junior Budget Analyst Donna Rice who served as panel moderators for the Students' presentation before the Mayor and Council. The students presented recommendation in three subject areas:

1. Improvement of refuse collection and disposal services.
2. Education and motivation of young adults to register and vote when they reach the age of majority.
3. What steps should be taken to combat Rockville's drug problem and how this problem compares with the County as a whole.

The presentations elicited a detailed discussion between the Mayor and Council and the student leaders. The Mayor and Council thanked the students for an excellent job in the way they handled complex issues and promised they would give serious consideration to the students' report which would be submitted shortly. The Mayor and Council presented certificates of participation to: Margaret Jackson, Jonathan Grant, Michelle Powell, Kristine Gubas, Rachael Baur, Al Toler, Orlando Bonilla, Tom Flynn, Charles Kantaporn, Eric Karpinski, Cookie Hashemi, Dmitry Nemirovsky, Leslie Braver, Adam Lipsius, Matt Bell, Pete Glasgow, and Mark Levy.

Re: Award of Bid #85-88, Contract
for Resurfacing of Park Path,
Tennis Courts, and Basketball
Courts.

Invitation to bid were mailed to 45 contractors and the bid was advertised in F.W. Dodge, Blue, Bid Net, and Construction Market Data. Sealed bids were received and opened at 2:30 p.m., May 16, 1988, in the Contracts

Office for furnishing and laying bituminous asphalt pavement on park pathways, basketball courts and tennis courts with color coating. Two bids were received as follows:

<u>COMPANY</u>	<u>LUMP SUM BID</u>
Pickens and Sons, Inc.	\$198,017.45
HMF Paving Contractors, Inc.	\$199,936.70

This project combines five separate asphalt resurfacing projects into a single project for better pricing advantage. These projects are:

8E61 (\$40,000)	Pathway Improvements
8H01 (\$55,000)	Montrose 7 Welsh Tennis Improvements
6I61 (\$45,000)	City Basketball Courts Improvements
6F61 (\$ 1,000)	Senior Center Pathways

In addition, 1,334 square yards of golf course service road and 2,786 square yards of cart paths will be constructed. Existing and approved CIP monies for 8E61, 8H01, 6I61 and 6F61 total \$141,000. In addition, the golf course has \$80,000 in existing, approved CIP monies for its portion of the project. Total available funds equal \$221,000 for the project.

Staff has checked Pickens and Sons, Inc. references with M-NCPPC engineering and the Montgomery County Recreation Department. They have also done satisfactory work for the City of Rockville. Their performance has been cooperative, reliable, and the firm is quite capable. Therefore, staff recommends an award of bid to Pickens and Sons, Inc. in the amount of \$198,017.45.

On motion of Councilman Abrams, Bid #85-88, to furnish and lay bituminous asphalt pavement on park walkways, basketball courts and tennis courts, with color coating, was awarded to Pickens and Sons, Inc. in the amount of \$198,107.45.

Re: Approval of On-site Storm Water
Management Request #17-88 for
2208 Rockland Avenue, project U-

404-87

This 1.1 acre site is located on the corner of Rockland Avenue and Ridgeway Avenue in the Rock Creek drainage area. The site is improved by a church building and parking lot. The owner/developer of the property, National Capital Presbytery, Inc. proposes to construct a second parking lot on the property.

The proposed parking lot will result in 0.16 acres of imperviousness. An on-site Storm Water Management facility was designed. Using the recommended minimum size discharge pipe the facility would not provide an acceptable level of storm water management. Using a discharge pipe smaller than the recommended minimum size makes this facility a potential maintenance problem. Therefore, a waiver is recommended.

The runoff from this site will enter a proposed drain inlet on the property and be conveyed to the public storm drain system in Rockland Avenue. The runoff enters a tributary of Rock Creek east of Ardennes Avenue. The Twinbrook Metro West Storm Water Management facility will provide compensatory storage for the additional runoff from this site.

Staff recommends that a waiver be granted and that a contribution of \$3,200 (0.16 impervious acres at \$20,000 per acre) be accepted for the City off-site Storm Water Management program.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council approved on-site storm water management waiver request #17-88 for 2208 Rockland Avenue and accepted a contribution of \$3,200 towards the City's off-site storm water management program.

Re: Approval of On-site Storm Water Management Waiver Request #14-88 for the Coffey Property located on Maryland Route 28, West of Research Boulevard, Project U-385-87

This 7.77 acre site is located along Maryland Route 28 approximately 400 feet west of the intersection with Research Boulevard. The site is within the Watts Branch drainage area. The property owner/developer, Keeler Creek Limited Partnership, plans to construct an office building and related improvements.

The planned development will result in 2.21 acres of impervious area. This site is divided by a tributary of Watts Branch with approximately half of the site within the flood plain. The topography of the remainder of the site and the presence of rock and a high water table make on-site methods of storm water management impractical.

The run-off from this site enters an on-site storm drain system and is discharged into the tributary of Watts Branch which bisects the property. Water quality will be provided on-site by use of water quality storm drain inlets. The proposed Woottons Mill Storm Water Management facility located about 3,500 feet down stream will provide storage for the increased runoff from this site.

Staff recommends that a waiver be granted and that a contribution of \$44,200 (2.21 impervious acres at \$20,000 per acre) be accepted for the City's off-site storm water management program.

On motion of Councilman Abrams, duly seconded and unanimously passed, on-site storm water management request #14-88, for the Coffey property located on Maryland Route 28, west of Research Boulevard, was granted by the Mayor and Council and a contribution of \$44,200 was accepted towards the City's off-site storm water management program.

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Re: Approval of On-site Storm Water
Management Request #19-88 for 91
Frederick Avenue, Project U-393-
87

This 1.5 acre site is located on Frederick Avenue adjacent to the railroad tracks in the Rock Creek drainage area. The site is currently a paved lot. The property owners/developers, Don and Al Hinton, plan to construct a car wash on the site.

The car wash and related improvements will result in 1.05 acres of impervious area, which is less than the current imperviousness. An on-site storm water management system was designed and approved. The applicant has proposed a site plan modification to allow for better on-site traffic flow. The proposed modification would require eliminating the proposed storm water management facility and would significantly reduce the area of the site usable for storm water management. The soils on this site are not suitable for infiltration. An underground pipe system could be used, but because of their maintenance problems, staff does not recommend it unless a storm water management waiver is not possible. Therefore, a waiver is recommended.

The runoff from this site is discharged by the on-site storm drain system to a swale on Metro Property. The runoff then enters an enclosed storm drain system and is conveyed by enclosed storm drains and open streams to the Dover Road North Storm Water Management facility. The Dover Road North Storm Water Management facility will provide storage and water quality for the runoff from this site.

Staff recommends that a waiver be granted and that a contribution of \$21,000 (1.05 impervious acres at \$20,000 per acre) be accepted for the City's off-site storm water management program.

On motion of Councilman Abrams, duly seconded and unanimously passed, on-site storm water management waiver request #19-88 for 91 Frederick Avenue, was

granted by the Mayor and Council and a contribution of \$21,000 was accepted towards the City's off-site storm water management program.

Re: Approval of Bid #62-87, City
Utilities Adjustments to
Accommodate the I-270 Widening
by Maryland State Highway
Administration

This bid was awarded in April 1987 to W.F. Wilson and Sons, Inc., in the total sum of \$485,688. It covers a multitude of the City's water and sewer utility adjustment work necessary to accommodate the State's widening of I-270 between Montrose Road and Route 28 and also along Route 28 and Great Falls Road. The State began its work last spring and is expected to continue construction through the Spring of 1990. Periodically, we have been and will continue to be, as the highway work progresses, adjusting our water and sewer utilities under the Wilson contract. The contract also covers miscellaneous, unrelated, smaller scope projects.

Work by the State on the section of I-270 between the Route 28 and Shady Grove Road interchanges was recently initiated. We have utility adjustment work to perform under this section as well. Our work can be accomplished under this same contract utilizing unit prices established therein. The costs for this work will cause the total expenditure to exceed the original contract award by approximately \$46,000.

Under Section 2-104 of the Laws of Rockville, only contract modifications exceeding \$20,000 and which exceed 10% of the original contract price (\$485,688) must be authorized by the Mayor and Council. While the additional work under consideration, based on a staff analysis, should not exceed the 10% limitation, given the nature of the project and the possibility of unforeseen work arising, staff suggests obtaining Mayor and Council authorization, with a limitation on total expenditure not to exceed 15% of the original contract

amount.

W.F. Wilson and Sons, Inc., is an excellent contractor and has been extremely cooperative in working with the State's contractor. Taking into account the usual inflationary increases in construction costs, the prices available in the original contract represent a very favorable cost saving to the City over a new and separate bid. In addition, because of the lengthy delays encountered by the staff in obtaining the Army Corps of Engineers and Maryland Department of Energy Wetland permits, we are presently considerably behind schedule, and to delay the State's project while going through our usual bidding procedures is unacceptable. Adequate funds to cover this work have been previously authorized by the Mayor and Council under CIP project 7A45 and 6B33. It is in the best interest of the City and the Maryland State Highway Administration to accomplish this work under our existing contract.

Staff recommends the City proceed on this basis, and further recommends that the Mayor and Council authorize the City Manager to increase the expenditure under Bid #62-87 by an amount not to exceed 15% of the original contract award.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid #62-87, for City Utilities Adjustments to Accommodate the I-270 Widening by Maryland State Highway Administration, was approved by the Mayor and Council.

Re: Award of Contract to investigate
sanitary sewer capacity of Cabin
John Sewer Outfall 6C45

This project covers the installation of a sanitary sewer main along the Cabin John stream between Cabin John Parkway and the WSSC system at Montrose Road. The sewer is required to supplement capacity for service to the Town Center, Rockville Pike, the Westmont tract and other development in the Cabin John drainage shed.

A major portion of the system lies within the site of the proposed Cabin John Lake on the Westmont property. With the recent approval by the Mayor and Council of the Westmont Planned Development Application CPD-1-85, it will be necessary to proceed with design and construction of that section of the pipeline affected by the proposed lake/dam construction and Westmont development.

City staff have worked together to update the sewage needs study for this area. In addition, staff have been in contact with WSSC representatives to gain as much information as possible to facilitate our decision process. Our ultimate decision and design will be based on the latest and best information available.

The City has purchased capacity in several WSSC Cabin John sewer outfall facilities in the maximum quantity of 8 MGD. This is not adequate to accommodate the planned City expansion within the Cabin John drainage shed. For this reason we preliminarily investigated the installation of a detention sewer to attenuate peak sewage flows. Because we need to reconstruct the existing sewer main in connection with the lake construction, it appears economically feasible to enlarge the sewer to provide temporary storage. By doing this, the City will reduce the required capacity to be purchased in the sewer transmission systems leading to the Blue Plains Sewage Treatment Plant.

Beyond the potential economic benefits, it is possible that our total future capacity needs will be available in the transmission systems of WSSC and/or the District of Columbia. At present, the City rents capacity in most transmission facilities and, of course, the needs of the jurisdictions owning the facilities will take precedence. Therefore, at this juncture, a detention system seems appropriate to alleviate a potential future capacity problem.

Staff suggests the undertaking of a detailed analysis to identify the ramifications and feasibility of such a system. The second phase would cover the actual design if the system proves feasible. There is presently a design contract with the engineering firm of Greenhorne & O'Mara for the design of Cabin John Lake and the relocation of the existing sewer outfall main. The required analysis is interrelated with both the sanitary sewer and the lake design. Staff feels it would be most appropriate that a design contract utilizing the services of the same engineering firm (Greenhorne & O'Mara, Inc.) be utilized.

The City Manager previously authorized staff to negotiate a design contract with Greenhorne & O'Mara, Inc. covering the necessary investigation under Phase I. Staff has concluded negotiations and reached agreement on the scope of services and fee, subject to the approval of the City Manager and the Mayor and Council. The proposed fee is in the amount of \$28,822.78.

Staff feels this proposal sum is reasonable for the services involved and the firm is well qualified to undertake such a study. Staff, therefore, recommends the Mayor and Council award the contract to Greenhorne & O'Mara, Inc. in the amount of \$28,822.78. It is further recommended that the City Manager be authorized to execute a contract with Greenhorne & O'Mara, Inc. on behalf of the Mayor and Council.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council awarded a contract to Greenhorne & O'Mara, Inc., in the amount of \$28,822.78, and authorized the City Manager to execute the contract on behalf of the Mayor and Council.

Re: Preliminary Review and Referral
of Text Amendment Application to
restrict the maximum size of
accessory buildings.

The Mayor and Council referred the text amendment to the Planning

Commission for their review and comment.

Re: Introduction of Ordinance to appeal and re-enact with amendment Chapter 10A of the "Laws of Rockville" entitled "Smoking Prohibitions and Restrictions" so as to broaden the coverage of its provisions prohibiting and regulating smoking, and to generally amend said chapter to bring its provisions into general conformity with the provisions of Montgomery County law prohibiting and regulating smoking in public places, as contained in Chapter 24, Section 24-9 of the 1984 Montgomery County Code.

Re: Introduction of Ordinance to amend Section 1-102 of Chapter 1 of the "Laws of Rockville" so as to permit Montgomery County legislation prohibiting smoking as contained in Section 24-9 of the 1984 Montgomery County Code, to apply within the City of Rockville.

Mayor Duncan asked citizens who wished to express their opinion on these ordinances to direct their comments to either ordinance.

On motion of Councilman Abrams, there was introduced upon the table two ordinances to be considered by the Mayor and Council regarding legislation.

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prohibiting smoking in the City of Rockville. Public Hearing was set for July 18, 1988.

Re: Adoption of Ordinance to propose public improvements and set hearing date for construction of sidewalk in West Montgomery Avenue between Mannakee Street and North Washington Street - Project 7Q11.

Ordinance No. 12-88

Councilman Abrams asked what the consequences would be in adopting this ordinance. Gerry Morningstar, Public Works Department, replied that it would allow staff to proceed with the design including street lights but not undergrounding of utilities. If it is decided lights are not necessary, they would be deleted.

In response to guidelines from Councilman Abrams, Mr. Morningstar responded that 100% of the amenities including brick sidewalks and streetlights are subject to special assessment, whereas undergrounding of wires would come from the general fund and the only estimate thus far for undergrounding of utilities is one by PEPCO for \$3.5 million dollars.

Mayor Duncan requested a detailed memorandum on special assessments and a memorandum on options and costs for undergrounding utilities. Councilman Abrams emphasized that the public hearing on June 6th will be the only chance for citizens to comment on the undergrounding of utilities. Therefore, staff will send a notice of hearing, staff report and budget information to all citizen associations in Rockville and the Chamber of Commerce.

Mayor Duncan pointed out that no decision had ever been made about the undergrounding of utilities. Councilman Abrams added that since the mature

trees will remain, the wires will not be intrusive for eight months of the year. Also, he noted that the decision must weigh cost against benefit.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, Ordinance No. 12-88, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, to propose public improvements and set hearing date for construction of sidewalk in West Montgomery Avenue between Mannakee Street and North Washington Street, Project 7Q11, was adopted by the Mayor and Council. Public hearing date was set for June 6, 1988 at 7:30 p.m. or as soon thereafter as it may be heard.

Re: Adoption of Ordinance to propose public improvements and set hearing date for construction of sidewalk in Lewis Avenue at Matthews Drive to 700 Feet south east - Project 8G22.

Ordinance No. 13-88

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 13-88, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, to propose public improvements and set hearing date for construction of sidewalk in Lewis Avenue at Matthews Drive to 700 feet south east - Project 8G22, was adopted by the Mayor and Council. Public hearing was scheduled for June 6, 1988, at 7:30 p.m. or as soon thereafter as it may be heard.

Re: Adoption of Ordinance to propose public improvements and set hearing date for construction of sidewalk in North Washington Street between Dawson Avenue and North Street - Project 7A22.

Ordinance No. 14-88

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 14-88, the full text of which can be found in Ordinance Book No.

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13 of the Mayor and Council, to propose public improvements and set hearing date for construction of sidewalk in North Washington Street between Dawson Avenue and North Street - Project 7A22, was adopted by the Mayor and Council. Public Hearing was scheduled for June 6, 1988, at 7:30 p.m. or as soon thereafter as it may be heard.

Re: Adoption of Ordinance to propose public improvements and set hearing date for construction of sidewalk in Chapman Avenue between Twinbrook Parkway and the south entrance to the Metro Station - Project 7C22.

Ordinance No. 15-88

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, Ordinance No. 15-88, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, to propose public improvements and set hearing date for construction of sidewalk in Chapman Avenue between Twinbrook Parkway and the south entrance to the Metro Station - Project 7C22, was adopted by the Mayor and Council. Public hearing was scheduled for June 6, 1988 at 7:30 p.m. or as soon thereafter as it may be heard.

Re: Adoption of Ordinance to amend the Zoning Map by adding a 5.59 acre parcel of land, more or less, located on the southwest side of Darnestown Road opposite Research Boulevard and placement in the R-90, Residential Zone.

Ordinance No. 16-88

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 16-88, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, amending the zoning map by adding a 5.59 acre parcel of land, more or less, located on the southwest side of Darnestown Road opposite Research Boulevard and placement in the R-90, residential zone, was

adopted by the Mayor and Council.

Re: Adoption of Resolution to establish a permit parking district in land located on the west side of Hurley Avenue between West Ritchie Parkway and Sherbrooke Way.

Resolution No. 14-88

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, Resolution No. 14-88, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, establishing a permit parking district in land located on the west side of Hurley Avenue between West Ritchie Parkway and Sherbrooke Way, was adopted by the Mayor and Council.

Re: Decisions and Instructions to staff re: Temporary Use Permit for a Carnival.

Resolution No. 15-88

Councilman Coyle asked if there would be enough police to cover the carnival and did the police receive overtime pay? Chief Stout responded that the coverage comes from on duty County and City police officers. Mayor Duncan stipulated that the permit establish the same hours as in the previous year.

On motion of Councilman Coyle, duly seconded and unanimously passed, Resolution No. 15-88, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, granting a temporary use permit for a carnival, was adopted by the Mayor and Council.

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Re: Discussion and Instructions to
staff re: Rockville Metro
Parking.

After discussing the issue, the Mayor and Council asked that this item be deferred to Wednesday, May 25, 1988, and asked staff to return with more information and a draft letter to Mr. McGarry, Montgomery County Transportation Department.

Re: New Business

1. On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council approved a recommendation by the Planning Department to retain consulting services for Chestnut Lodge land use alternatives for \$44,700.00, Bid #82-88. During the discussion, Councilman Abrams noted that this proposal was extraordinary for property zoned for uses that were consistent with the neighborhood plan and believed that the study would benefit one property owner. Larry Owens responded that the use of the land at Chestnut Lodge is controversial in the neighborhood plan. There are strong elements of support for the West End Planning Advisory Group and strong opposition as well. Mr. Owens noted that it was appropriate to give the Planning Commission a range of considerations and to give broader information to the West End Citizens if there were other alternatives. In addition, the plan would include noise impact, traffic impact, and neighborhood compatibility which expertise goes beyond the planning staff. Therefore, private consultants could give a high level of professional input.

Mayor Duncan questioned the cost of \$44,700.00 for a 60 day study. Mr. Owens responded that it would be a comprehensive analysis of land use studies. Mayor Duncan asked Mr. Arkin, Chairman of the Planning Commission, why the consultant was necessary. Mr. Arkin noted the Chestnut Lodge had undertaken its own study to determine the best uses of the land and that the interests of

the developer may or may not coincide with the interests of the City. City Manager Kuckkahn noted that we don't want to react to a complex plan by Chestnut Lodge but rather go parallel with it with information from our consultant. Councilman Abrams suggested a Work Session on this item to hear the views of the Planning Commission.

The Mayor asked the Planning Commission to discuss the need for a consultant study at the meeting of the Planning Commission. Councilman Coyle added that he would like further discussion to look at the impact of improvements to the I-270 interchange.

Councilwoman Hovsepian noted that she differed with others that this was just a benefit for Chestnut Lodge and said that the best use of land is a benefit for Rockville and not just for the benefit of Chestnut Lodge.

Councilman Abrams moved that approval of the bid be subject to a discussion with the Planning Commission on the need for the study. Therefore, Bid #82-88 will be on the agenda on June 13th with a Work Session scheduled before the General Session at 7:00 p.m. on the 13th to discuss this one item with the Planning Commission.

Councilwoman Hovsepian questioned the effect of noise from I-270 on the Chestnut Lodge development and noted that the City had sent a letter to the State questioning the effect of noise from 270 on Julius West Middle School. The State responded that they will construct a barrier to protect the school.

Re: Adjournment

There being no further business to come before the Mayor and Council in General Session, the meeting was adjourned at 9:50 p.m. to convene immediately in Work Session with the Board of Supervisors of Elections.

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Re: Work Session

The Mayor and Council of Rockville, Maryland, convened in Work Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, May 23, 1988, at 9:55 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Stephen N. Abrams

Councilman James F. Coyle

Councilwoman Viola D. Hovsepian

Councilman David Robbins

The Mayor in the Chair.

In attendance: City Attorney Paul T. Glasgow, City Clerk Margaret R. Gearin, Acting City Manager Rick W. Kuckkahn, and members of the Board of Supervisors of Elections.

Paula Porpilia, Vice Chairman of the Board of Supervisors of Elections, reported that the Board recommends that the Mayor and council proceed with a plan proposed by City and County staff for a unified voter registration and briefly summarized the report submitted by Dave Mays, Information Systems Chief. Ms. Porpilia noted that the plan resolved the issues that had been raised at the last work session. The plan would cost \$6,000.00 to implement and the cost to candidates for voter registration information would be less than \$100.00. Ms. Porpilia urged that it was critical that a decision be made to go forward and that the County was eager and willing to test the system before the next election.

Councilman Abrams asked if the state legislation on universal registration had been passed. Mr. Doug Jernigan, from the County Board of Elections, who concurred with the plan, answered yes, and Councilman Abrams urged him to see if Rockville could get reimbursed under this legislation for undertaking unified voter registration.

Stan Klein commented that the work plan looked good but that item #9 in the report should reference the data processing organization, #21 should reference software and regression testing should be included.

The Mayor requested that Dave Mays include these points. The Mayor thanked the City Board of Supervisors of Elections and the County as well and told them "Go do it!"

Re: Adjournment

There being no further business to come before the Mayor and Council in Work Session the meeting was adjourned at 10:50 p.m. to convene again in Work Session on May 25, 1988, at 7:30 p.m. or at the call of the Mayor.